

AMENDED IN ASSEMBLY JUNE 25, 2009

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 2, 2009

**SENATE BILL**

**No. 441**

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**Introduced by Senator Ducheny  
(Coauthor: Senator Hancock)**

February 26, 2009

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~~An act to amend Sections 6024 and 6027 of~~ *An act to amend Sections 6025, 6027, 13601, 13602, and 13603 of, and to repeal and add Sections 6024 and 13600 of, the Penal Code, relating to corrections.*

LEGISLATIVE COUNSEL'S DIGEST

SB 441, as amended, Ducheny. Corrections: ~~Corrections Standards Authority.~~ *Board of Community Corrections.*

Existing law provides that there is established within the Department of Corrections and Rehabilitation the Corrections Standards Authority *and provides for its membership, as specified. Existing law abolished the former Commission on Correctional Peace Officer Standards and Training and provided that all references to it shall refer to the Corrections Standards Authority.*

This bill would ~~provide that, commencing July 1, 2010, the Corrections Standards Authority shall no longer be within the Department of Corrections and Rehabilitation.~~ *abolish the Corrections Standards Authority and establish the Board of Community Corrections to replace it, with modifications to its membership, as specified. The bill would specify that the Board of Community Corrections shall be an entity independent of the Department of Corrections and Rehabilitation. The bill would repeal provisions that abolished the*

*Commission on Correctional Peace Officer Standards and Training and reestablish, within the Department of Corrections and Rehabilitation, the Commission on Correctional Peace Officer Standards and Training, as specified, and make conforming changes.*

Existing law provides that it is the duty of the Corrections Standards Authority to make a study of the entire subject of crime, as specified, and to report its findings, conclusions, and recommendations to the Governor and the Legislature at such times as they may require.

This bill would make *this study the duty of the Board of Community Corrections and make* certain revisions in regards to what that study is to include.

*This bill would take effect on July 1, 2010.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 6024 of the Penal Code is amended to~~  
2     ~~read:~~

3     ~~6024. Commencing July 1, 2005, there is hereby established~~  
4     ~~within the Department of Corrections and Rehabilitation the~~  
5     ~~Corrections Standards Authority. As of July 1, 2005, any reference~~  
6     ~~to the Board of Corrections refers to the Corrections Standards~~  
7     ~~Authority. As of that date, the Board of Corrections is abolished.~~  
8     ~~Commencing July 1, 2010, the Corrections Standards Authority~~  
9     ~~shall no longer be within the Department of Corrections and~~  
10    ~~Rehabilitation.~~

11    ~~SECTION 1. Section 6024 of the Penal Code is repealed.~~

12    ~~6024. Commencing July 1, 2005, there is hereby established~~  
13    ~~within the Department of Corrections and Rehabilitation the~~  
14    ~~Corrections Standards Authority. As of July 1, 2005, any reference~~  
15    ~~to the Board of Corrections refers to the Corrections Standards~~  
16    ~~Authority. As of that date, the Board of Corrections is abolished.~~

17    ~~SEC. 2. Section 6024 is added to the Penal Code, to read:~~

18    ~~6024. Commencing July 1, 2010, there is hereby established~~  
19    ~~the Board of Community Corrections. The Board of Community~~  
20    ~~Corrections shall be an entity independent of the Department of~~  
21    ~~Corrections and Rehabilitation. As of July 1, 2010, any references~~  
22    ~~to the Board of Corrections or the Corrections Standards Authority~~

1 *shall refer to the Board of Community Corrections. As of that date,*  
2 *the Corrections Standards Authority is abolished.*

3 *SEC. 3. Section 6025 of the Penal Code is amended to read:*

4 6025. (a) Commencing July 1, ~~2005~~ 2010, the ~~Corrections~~  
5 ~~Standards Authority~~ *Board of Community Corrections* shall be  
6 composed of ~~19~~ 17 members, one of whom shall be the Secretary  
7 of the Department of Corrections and Rehabilitation, or his or her  
8 designee, ~~who shall be designated as the chairperson, and four of~~  
9 ~~whom shall be subordinate officers of the secretary. At least one~~  
10 ~~subordinate officer shall be a manager or administrator of a state~~  
11 ~~correctional facility for adult offenders, and at least one subordinate~~  
12 ~~officer shall be a manager or administrator of a state correctional~~  
13 ~~facility for juvenile offenders and one who shall be a subordinate~~  
14 ~~officer of the secretary overseeing the areas of parole or juvenile~~  
15 ~~justice. The Judicial Council shall appoint one superior court~~  
16 ~~judge as a member. The Governor shall appoint a chair, subject~~  
17 ~~to Senate confirmation, with experience in a variety of criminal~~  
18 ~~justice policies and systems in California, including, but not limited~~  
19 ~~to, parole, probation, community reentry, juvenile justice, and~~  
20 ~~local law enforcement. The remaining~~ ~~14~~ 13 members shall be  
21 appointed by the Governor after consultation with, and with the  
22 advice of, the secretary *and the chair*, and with the advice and  
23 consent of the Senate. The gubernatorial appointments shall include  
24 all of the following:

25 (1) A county sheriff in charge of a local detention facility which  
26 has a *Board of Community Corrections* ~~Standards Authority~~ rated  
27 capacity of 200 or less inmates.

28 (2) A county sheriff in charge of a local detention facility which  
29 has a *Board of Community Corrections* ~~Standards Authority~~ rated  
30 capacity of over 200 inmates.

31 (3) A county supervisor or county administrative officer.

32 (4) A chief probation officer from a county with a population  
33 over 200,000.

34 (5) A chief probation officer from a county with a population  
35 under 200,000.

36 (6) A manager or administrator of a county local detention  
37 facility.

38 (7) An administrator of a local community-based correctional  
39 program.

(8) ~~Two public members, at least one of whom~~ *A public member who shall represent the interests of crime victims.*

(9) Four rank and file representatives: one juvenile probation officer who is a first-line supervisor or lower rank, with a minimum of five years of experience as a juvenile probation officer; one deputy sheriff who is a sergeant or lower rank, with a minimum of five years of experience in an adult correctional facility; one state parole officer or parole agent; and one person with a minimum of five years experience working in a state adult correctional facility.

(10) A representative of a community-based youth service organization.

(b) The terms of the members appointed by the Governor shall expire as follows: seven on July 1, ~~2007~~ 2012, and seven on July 1, ~~2008~~ 2013. *The term for the member appointed by the Judicial Council shall expire on July 1, 2013.* Successor members shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Members are eligible for reappointment.

(c) ~~The authority~~ *board* shall select a vice chairperson from among its members. Ten members of the board shall constitute a quorum.

(d) When the authority is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

(e) If any appointed member is not in attendance for three consecutive meetings ~~the authority~~ *board* may recommend to the Governor that the member be removed and the Governor may make a new appointment, with the advice and consent of the Senate, for the remainder of the term.

~~SEC. 2.~~

*SEC. 4.* Section 6027 of the Penal Code is amended to read:

6027. It shall be the duty of the ~~Corrections Standards Authority~~ *Board of Community Corrections* to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, best practices in the field of crime prevention, detection of crime and apprehension of

1 criminals, methods of prosecution of persons accused of crime,  
2 and the entire subject of penology, including standards and training  
3 for correctional personnel, and to report its findings, conclusions,  
4 and recommendations to the Governor and the Legislature at such  
5 times as they may require.

6 *SEC. 5. Section 13600 of the Penal Code is repealed.*

7 ~~13600. (a) Commencing July 1, 2005, any reference to the~~  
8 ~~Commission on Correctional Peace Officer Standards and Training~~  
9 ~~or "CPOST" shall refer to the Corrections Standards Authority~~  
10 ~~established pursuant to Chapter 5 (commencing with Section 6024)~~  
11 ~~of Title 7 of Part 3. As of that date, the Commission on~~  
12 ~~Correctional Peace Officer Standards and Training is abolished.~~

13 ~~(b) The Legislature finds and declares that peace officers of the~~  
14 ~~state correctional system, including youth and adult correctional~~  
15 ~~facilities, fulfill responsibilities that require creation and application~~  
16 ~~of sound selection criteria for applicants and standards for their~~  
17 ~~training prior to assuming their duties. For the purposes of this~~  
18 ~~section, correctional peace officers are peace officers as defined~~  
19 ~~in Section 830.5 and employed or designated by the Department~~  
20 ~~of Corrections and Rehabilitation.~~

21 ~~The Legislature further finds that sound applicant selection and~~  
22 ~~training are essential to public safety and in carrying out the~~  
23 ~~missions of the Department of Corrections and Rehabilitation in~~  
24 ~~the custody and care of the state's offender population. The greater~~  
25 ~~degree of professionalism which will result from sound screening~~  
26 ~~criteria and a significant training curriculum will greatly aid the~~  
27 ~~department in maintaining smooth, efficient, and safe operations~~  
28 ~~and effective programs in the department.~~

29 ~~(c) The Secretary of the Department of Corrections and~~  
30 ~~Rehabilitation shall, with advice from the Corrections Standards~~  
31 ~~Authority, appoint a subordinate officer to serve as executive~~  
32 ~~director of the board. The subordinate officer shall serve at the~~  
33 ~~pleasure of the secretary. The subordinate officer shall appoint~~  
34 ~~staff as provided for in the annual Budget Act, beginning in the~~  
35 ~~2005-06 fiscal year.~~

36 *SEC. 6. Section 13600 is added to the Penal Code, to read:*

37 *13600. (a) The Legislature finds and declares that peace*  
38 *officers of the state correctional system, including youth and adult*  
39 *correctional facilities, have a role in the criminal justice system*  
40 *that requires the creation and application of sound selection*

1 criteria for applicants and their training prior to assuming their  
2 duties. For the purposes of this section, correctional peace officers  
3 are peace officers as defined in Section 830.5 and employed by  
4 the Department of Corrections and Rehabilitation.

5 The Legislature further finds that sound applicant selection and  
6 training are essential to public safety and in carrying out the  
7 missions of the department in the custody and care of the state's  
8 offender population. The greater degree of professionalism which  
9 will result from sound screening criteria and a significant training  
10 curriculum will greatly aid the department in maintaining smooth,  
11 efficient, and safe operations and effective programs.

12 (b) There is within the Department of Corrections and  
13 Rehabilitation a Commission on Correctional Peace Officer  
14 Standards and Training, hereafter referred to as the CPOST.

15 (c) (1) The executive board of the CPOST shall be composed  
16 of seven voting members.

17 (A) Three members shall be from, appointed by, and represent  
18 the management of the department.

19 (B) Three members shall be from, appointed by, and represent  
20 the membership of the California Correctional Peace Officers'  
21 Association. Two members shall be rank and file persons from  
22 State Bargaining Unit 6 and one member shall be supervisory.

23 (C) The seventh member shall have at least five years experience  
24 in a higher education environment providing instruction in either  
25 corrections or employee training. This member shall be selected  
26 as follows:

27 (i) Within three months of appointment, the group of three  
28 members appointed pursuant to subparagraph (A) and the group  
29 of three members appointed pursuant to subparagraph (B) shall  
30 each nominate five persons who are qualified to be appointed as  
31 a member pursuant to subparagraph (C).

32 (ii) The group of three members appointed pursuant to  
33 subparagraph (A) and the group of three members appointed  
34 pursuant to subparagraph (B) shall alternatively strike one name  
35 from the combined list of 10 nominees. The last name remaining  
36 shall be the seventh member and shall serve a term of three years.  
37 The order in which the group appointed pursuant to subparagraph  
38 (A) and the group appointed pursuant to subparagraph (B) strike  
39 names from the list shall initially be determined by lot.

1     (iii) *Six months prior to the expiration of the seventh member's*  
2 *term, the six members of the commission appointed pursuant to*  
3 *subparagraphs (A) and (B) shall vote on whether to extend the*  
4 *seventh members' term for an additional term of three years. If*  
5 *the six voting members fail to extend the seventh member's term*  
6 *by a majority vote, the Commission shall replace that member with*  
7 *a new member appointed pursuant to the initial procedure used*  
8 *to appoint a seventh member.*

9     (D) *Appointments shall be for three years.*

10    (2) *Each appointing authority shall appoint one alternate*  
11 *member for each regular member whom they appoint pursuant to*  
12 *paragraph (1). Every alternate member shall possess the same*  
13 *qualifications as the regular member and shall substitute for, and*  
14 *vote in place of, the regular member whenever he or she is absent.*

15    (d) *The rules for voting on the executive board of the CPOST*  
16 *shall be as follows:*

17     (1) *Decisions shall be made by a majority vote.*

18     (2) *Proxy voting shall not be permitted.*

19     (3) *Tentative approval of a decision may be taken by a telephone*  
20 *vote. The CPOST members' decision shall be documented in*  
21 *writing and submitted to the CPOST for confirmation at the next*  
22 *scheduled CPOST meeting so as to become a part of the permanent*  
23 *record.*

24    (e) *The executive board of the CPOST shall adopt rules as it*  
25 *deems necessary for efficient operations, including, but not limited*  
26 *to, the appointment of advisory members for forming whatever*  
27 *subcommittee it deems necessary to conduct its business. These*  
28 *rules shall be in conformance with the State Personnel Board rules*  
29 *and regulations, the Department of Personnel Administration rules*  
30 *and regulations, and the provisions of the State Bargaining Unit*  
31 *6 Memorandum of Understanding.*

32    SEC. 7. *Section 13601 of the Penal Code is amended to read:*

33    13601. (a) ~~The Corrections Standards Authority~~ *CPOST shall*  
34 *develop, approve, and monitor standards for the selection and*  
35 *training of state correctional peace officer apprentices. Any*  
36 *standard for selection established under this subdivision shall be*  
37 *subject to approval by the State Personnel Board. Using the*  
38 *psychological and screening standards established by the State*  
39 *Personnel Board, the State Personnel Board or the Department of*  
40 *Corrections and Rehabilitation, Division of Juvenile Facilities shall*

1 ensure that, prior to training, each applicant who has otherwise  
2 qualified in all physical and other testing requirements to be a  
3 peace officer in either a youth or adult correctional facility, is  
4 determined to be free from emotional or mental conditions that  
5 might adversely affect the exercise of his or her duties and powers  
6 as a peace officer.

7 (b) The ~~authority~~ *CPOST* may approve standards for a course  
8 in the carrying and use of firearms for correctional peace officers  
9 that is different from that prescribed pursuant to Section 832. The  
10 standards shall take into consideration the different circumstances  
11 presented within the institutional setting from that presented to  
12 other law enforcement agencies outside the correctional setting.

13 (c) Notwithstanding Section 3078 of the Labor Code, the length  
14 of the probationary period for correctional peace officer apprentices  
15 shall be determined by the ~~authority~~ *CPOST* subject to approval  
16 by the State Personnel Board, pursuant to Section 19170 of the  
17 Government Code.

18 (d) The ~~authority~~ *CPOST* shall develop, approve, and monitor  
19 standards for advanced rank-and-file and supervisory state  
20 correctional peace officer and training programs for the Department  
21 of Corrections and Rehabilitation. When a correctional peace  
22 officer is promoted within the department, he or she shall be  
23 provided with and be required to complete these secondary training  
24 experiences.

25 (e) The ~~authority~~ *CPOST* shall develop, approve, and monitor  
26 standards for the training of state correctional peace officers in the  
27 department in the handling of stress associated with their duties.

28 (f) Toward the accomplishment of the objectives of this act, the  
29 ~~authority~~ *CPOST* may confer with, and may avail itself of the  
30 assistance and recommendations of, other state and local agencies,  
31 boards, or commissions.

32 (g) Notwithstanding the authority of the ~~authority~~ *CPOST*, the  
33 department shall design and deliver training programs, shall  
34 conduct validation studies, and shall provide program support. The  
35 authority shall monitor program compliance by the department.

36 (h) The ~~authority~~ *CPOST* may disapprove any training courses  
37 created by the department pursuant to the standards developed by  
38 the ~~authority~~ *CPOST* if it determines that the courses do not meet  
39 the prescribed standards.



1 (i) The ~~authority~~ CPOST shall annually submit an estimate of  
2 costs to conduct those inquiries and audits as may be necessary to  
3 determine whether the department and each of its institutions and  
4 parole regions are adhering to the standards developed by the  
5 ~~authority~~ CPOST, and shall conduct those inquiries and audits  
6 consistent with the annual Budget Act.

7 (j) The ~~authority~~ CPOST shall establish and implement  
8 procedures for reviewing and issuing decisions concerning  
9 complaints or recommendations from interested parties regarding  
10 authority rules, regulations, standards, or decisions.

11 *SEC. 8. Section 13602 of the Penal Code is amended to read:*

12 13602. (a) The Department of Corrections and Rehabilitation  
13 may use the training academy at Galt or the training center in  
14 Stockton. The academy at Galt shall be known as the Richard A.  
15 McGee Academy. The training divisions, in using the funds, shall  
16 endeavor to minimize costs of administration so that a maximum  
17 amount of the funds will be used for providing training and support  
18 to correctional peace officers while being trained by the  
19 department.

20 (b) Each new cadet who attends an academy shall complete the  
21 course of training, pursuant to standards approved by the  
22 ~~Corrections Standards Authority~~ CPOST before he or she may be  
23 assigned to a post or job as a peace officer. Every newly appointed  
24 first-line or second-line supervisor in the Department of Corrections  
25 and Rehabilitation shall complete the course of training, pursuant  
26 to standards approved by the ~~authority~~ CPOST for that position.

27 (c) The Department of Corrections and Rehabilitation shall  
28 make every effort to provide training prior to commencement of  
29 supervisory duties. If this training is not completed within six  
30 months of appointment to that position, any first-line or second-line  
31 supervisor shall not perform supervisory duties until the training  
32 is completed.

33 *SEC. 9. Section 13603 of the Penal Code is amended to read:*

34 13603. (a) The Department of Corrections and Rehabilitation  
35 shall provide 16 weeks of training to each correctional peace officer  
36 cadet. Except as provided by subdivision (b), this training shall be  
37 completed by the cadet prior to his or her assignment to a post or  
38 position as a correctional peace officer.

39 (b) If an agreement is reached between the department and the  
40 bargaining unit for the correctional peace officers that this

subdivision shall apply, and with the approval of the ~~Corrections Standards Authority~~ *CPOST* on how to implement the on-the-job training requirements of this subdivision, the department shall provide a total of 16 weeks of training to each correctional peace officer cadet as follows:

(1) Twelve weeks of the training shall be at the department's training academy. Cadets shall be sworn in as correctional peace officers upon the completion of this initial 12 weeks.

(2) Four weeks shall be at the institution where the cadet is assigned to a post or position.

(c) The department shall provide a minimum of two weeks of training to each newly appointed first-line supervisor.

(d) Training standards previously established pursuant to this section shall remain in effect until training requirements are established by the ~~Corrections Standards Authority~~ *CPOST* pursuant to Section 13602.

*SEC. 10. This act shall become operative on July 1, 2010.*